THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 21704 of 2007

Date:11-10-2007

Between:

Oddepalli Rajaiah and another

...

Petitioners

AND

The Tahsildar, Karimnagar and another

..

Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the order, dated 31.08.2007 in proceedings No.B/401/2007-40 issued by the first respondent herein whereby canceling patta granted in favour of father of the petitioners and also to declare the action of the second respondent in not granting stay of operation of the orders, dt.31.08.2007 in proceedings No.B/401/2007-40 issued by the first respondent, pending disposal of the appeal, as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioners from the land in Sy.No.172 of an extent of Ac.01.14 guntas situated at Rekurthi village, Karimnagar mandal, District Karimnagar.

It is stated that the father of the petitioners was assignee of land Sy.No.172 of an extent of Ac.01.14 guntas situated at Rekurthi village, Karimnagar mandal, District Karimnagar and their father died on 14.09.1998. While so, the Tahsildar, Karimnagar issued a notice, dated 01.04.2007 in proceedings No.B/401/2007 stating that the said land has been allotted for agricultural purpose, but on enquiry it has come to know that the said land has been made into plots in violation of the provisions of Section 3(1) of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. It is stated that the petitioners have submitted explanation before the prescribed date and without considering the said explanation, the first respondent passed final orders on 31.08.2007 in Proceedings No.B/401/2007-40. It is stated that as against the said orders, the petitioners have filed an appeal before the Revenue Divisional Officer on 21.09.2007 and the stay application was filed on 24.09.2007. It is stated that even before the appeal is

considered and disposed of, the first respondent is taking steps to dispossess the petitioners.

Having regard to the facts of the case, as the appeal is pending against the orders of the first respondent before the second respondent, the writ petition is disposed of directing the second respondent to consider and dispose of the appeal filed by the petitioners on 21.09.2007 against the orders of the first respondent, dated 31.08.2007 in Proceedings No.B/401/2007-40 and pending disposal of the appeal, status-quo obtained as on today with regard to the possession shall be maintained. No costs.

V.ESWARAIAH, J.

Date:11.10.2007
ccm

Note:
Furnish C.C. by 12.10.2007.
B/O
ccm